

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SANDRA E. FLUCK, an individual,

C.A. No.: 06-188-GMS

Plaintiff,

JURY DEMAND OF SIX

V.

BELLA VISTA DEVELOPMENT, LLC, a Virginia corporation, BELLA VISTA TOWNHOME CONDOMINIUM ASSOCIATION, INC., a Delaware corporation, RESORT REALTY GROUP, a Delaware corporation, WILLIAM J. MITCHELL, individually, and WAYNE MITCHELL, individually,

Defendants.

MOTION TO COMPEL DISCOVERY

PURSUANT TO the Federal Rules of Civil Procedure Rule 37, Plaintiff Sandra E. Fluck seeks an Order from this Court compelling Defendant Bella Vista Development, LLC and Defendant Wayne Mitchell to provide responses to the Request for Production and the Interrogatories that were served upon the Defendants in this case. In support of this Motion, Plaintiff states:

1. On March 20, 2006, Plaintiff Sandra Fluck filed a Complaint seeking damages from Defendant Bella Vista Development, among other Defendants, for personal injuries sustained on June 27, 2004.
2. On April 11, 2006, Defendant Bella Vista filed an Answer to the Complaint.
3. On June 16, 2006, Plaintiff filed an Amended Complaint adding Wayne Mitchell as a Defendant. Defendants Bella Vista and Wayne Mitchell filed a joint Answer to the Amended Complaint on July 18, 2006.
4. On June 23, 2006, Plaintiff's counsel forwarded two (2) copies of Plaintiff's Interrogatories and Request for Production directed to Defendant Bella Vista. (Exhibit A)

5. On August 29, 2006, Plaintiff's counsel forwarded a letter to Defendant's counsel inquiring as to the status of his client's answers to discovery. (Exhibit B)

6. On August 31, 2006, Defendant's counsel forwarded a letter to Plaintiff's counsel apologizing for not having the interrogatories answered timely and advising that the answers should be finalized shortly. (Exhibit C)

7. On October 12, 2006, Plaintiff's counsel forwarded a second letter to Defendant's counsel requesting his client's answers to discovery so that she may avoid having to file a Motion to Compel. (Exhibit D)

8. On December 14, 2006, Plaintiff's counsel forwarded a third letter to Defendant's counsel inquiring once again as to the status of Defendant's answers to discovery. (Exhibit E)

9. On December 20, 2006, Plaintiff's counsel received Defendant Bella Vista's **unverified** answers to Interrogatories. Defendant Wayne Mitchell, as a member of Bella Vista Development LLC, is listed as the person who answered the Interrogatories.

10. On December 21, 2006, Plaintiff's counsel forwarded a fourth letter to Defendant's counsel requesting his client's responses to Plaintiff's Request for Production. (Exhibit F)

11. On December 29, 2006, Defendant's counsel forwarded a letter to Plaintiff's counsel stating that Defendant will be filing a formal response to the Request for Production soon. (Exhibit G)

12. On January 18, 2007, Plaintiff's counsel forwarded a fifth letter to Defendant's counsel requesting his client's verified answers to Interrogatories, as well as his responses to Request for Production. (Exhibit H)

13. On January 31, 2007, Plaintiff's counsel filed a Notice of Deposition of Defendant Wayne Mitchell, who is a member of Bella Vista Development, LLC, to be held on March 16, 2007. The Notice of Deposition included a Duces Tecum component requesting Defendant Mitchell to bring with him any documents in response to Plaintiff's Request for

Production that have not been previously supplied, as well as the following: copies of any and all blueprints, building permits, inspection reports, certificate(s) of occupancy and release of liens pertaining to the property in question, and, copies of listing agreements and "open house" brochures pertaining to the property in question. (Exhibit I)

14. On March 13, 2007, prior to the deposition, Plaintiff's counsel forwarded a sixth letter to Defendant's counsel requesting his client's verified answers to Interrogatories, as well as his responses to Request for Production. (Exhibit J)

15. Defendant Mitchell failed to appear at the deposition on March 16, 2007 and has failed to provide the requested documents pursuant to the Notice of Deposition Duces Tecum.

16. Despite **repeated** efforts to obtain responses to the discovery requests, Defendants have failed to respond to Plaintiff's Request for Production and to provide **verified** answers to Interrogatories.

WHEREFORE, Plaintiffs respectfully request that this Court enter an Order compelling Defendants Bella Vista Development, LLC and Wayne Mitchell to provide responses to Plaintiff's Request for Production and to provide verified answers to Interrogatories.

DOROSHOW, PASQUALE,
KRAWITZ & BHAYA

By: /s/ JENNIFER S. DONAHUE
ANDREA G. GREEN (I.D. 2487)
JENNIFER S. DONAHUE (I.D. 4700)
213 E. Dupont Highway
Millsboro, DE 19966
(302) 934-9400
Attorneys for Plaintiff

Dated: April 13, 2007

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SANDRA E. FLUCK, an individual,

: C.A. No.: 06-188-GMS

Plaintiff,

:

V.

:

JURY DEMAND OF SIX

BELLA VISTA DEVELOPMENT, LLC, a Virginia corporation, BELLA VISTA TOWNHOME CONDOMINIUM ASSOCIATION, INC., a Delaware corporation, RESORT REALTY GROUP, a Delaware corporation, WILLIAM J. MITCHELL, individually, and WAYNE MITCHELL, individually,

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Defendants.

CERTIFICATION

I, JENNIFER S. DONAHUE, ESQUIRE, attorney for Plaintiff certify that I have attempted to secure Defendants' responses to outstanding discovery through the aforementioned communications with the attorney for Defendants but have not received these documents.

DOROSHOW, PASQUALE,
KRAWITZ & BHAYA

By: /s/ JENNIFER S. DONAHUE
ANDREA G.GREEN (I.D. 2487)
JENNIFER S. DONAHUE (I.D. 4700)
213 E. Dupont Highway
Millsboro, DE 19966
(302) 934-9400
Attorneys for Plaintiff

Dated: April 13, 2007

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

SANDRA E. FLUCK, an individual,	:	C.A. No.: 06-188-GMS
	:	
Plaintiff,	:	
	:	
	:	<u>JURY DEMAND OF SIX</u>
v.	:	
	:	
BELLA VISTA DEVELOPMENT, LLC, a	:	
Virginia corporation, BELLA VISTA	:	
TOWNHOME CONDOMINIUM	:	
ASSOCIATION, INC., a Delaware	:	
corporation, RESORT REALTY GROUP, a	:	
Delaware corporation, WILLIAM J.	:	
MITCHELL, individually, and WAYNE	:	
MITCHELL, individually,	:	
Defendants.	:	

ORDER

AND NOW, this ____ day of _____, 2007, the Court having heard and considered the Plaintiff's Motion to Compel Discovery Pursuant to Rule 37;

IT IS HEREBY ORDERED that Defendants Bella Vista Development and Wayne Mitchell provide Plaintiff with responses to Plaintiff's outstanding discovery no later than _____, 2007.

JUDGE GREGORY M. SLEET

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

SANDRA E. FLUCK, an individual,

: **C.A. No.: 06-188-GMS**

Plaintiff,

:

v.

:

JURY DEMAND OF SIX

:

BELLA VISTA DEVELOPMENT, LLC, a

:

Virginia corporation, BELLA VISTA

:

TOWNHOME CONDOMINIUM

:

ASSOCIATION, INC., a Delaware

:

corporation, RESORT REALTY GROUP, a

:

Delaware corporation, WILLIAM J.

:

MITCHELL, individually, and WAYNE

MITCHELL, individually,

Defendants.

CERTIFICATE OF SERVICE

I, JENNIFER S. DONAHUE, hereby certify that I have this 13th day of April, 2007 forwarded a copy of the following document(s) addressed to the person(s) listed below via electronic filing:

DOCUMENT:

Motion to Compel Discovery

PERSON:

Robert K. Pearce, Esq.
Ferry, Joseph & Pearce, P.A.
824 North Market Street, Suite 904
P.O. Box 1351
Wilmington, DE 19899

Stephen Casarino, Esq.
Casarino, Christman & Shalk, P.A.
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P.O. Box 1276
Wilmington, DE 19899

Roger A. Akin, Esq.
1500 Shallcross Avenue, Suite 1-A
Wilmington, DE 19806

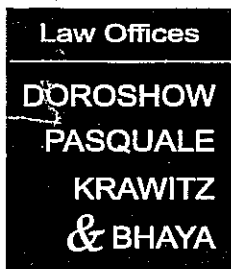
Carol Antoff, Esq.
131 Continental Drive, Suite 407
Newark, DE 19713

DOROSHOW, PASQUALE,
KRAWITZ & BHAYA

By: /s/ JENNIFER S. DONAHUE
ANDREA G.GREEN (I.D. 2487)
JENNIFER S. DONAHUE (I.D. 4700)
213 E. Dupont Highway
Millsboro, DE 19966
(302) 934-9400
Attorneys for Plaintiff

Dated: April 13, 2007

EXHIBIT A



June 23, 2006

ERIC M. DOROSHOW, DE, PA, DC
ROBERT PASQUALE, DE, PA
ARTHUR M. KRAWITZ, DE, PA
SHAKUNTALA L. BHAYA, DE, PA
MARY C. BOUDART, DE
DONALD F. GREGORY, DE
DEBRA C. ALDRICH, DE, PA
DONALD E. MARSTON, DE
ANDREA G. GREEN, DE, MD
JESSICA LEWIS WELCH, DE

ANGELA PINTO ROSS, DE
KAREN Y. VICKS, DE, NJ, PA
MATTHEW R. FOGG, DE, NJ
CYNTHIA H. PRUITT, DE
NINA PAPPOULIS, DE
TARA A. BLAKELY, DE
JENNIFER S. DONAHUE, DE, NJ
DEBORAH J. GALONSKY, DE, NJ
AIMEE CZACHOROWSKI, DE, PA
JENNIFER M. MENSINGER, DE
TARA E. HAFFER, NJ
CHRISTINA L. YEAGER, NJ

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(302) 934-9400
Facsimile: (302) 934-8400

903 Lakeview Avenue
Milford, Delaware 19963
(302) 424-7744
Facsimile: (302) 424-1176

World Wide Web
www.dplaw.com

PLEASE RESPOND TO:

**213 E. Dupont Highway
Millsboro, DE 19966**

**Writer's Direct E-mail:
JenniferDonahue@dplaw.com**

**Writer's Direct Dial:
(302) 934-9400**

Stephen Casarino, Esquire
Casarino, Christman & Shalk, P.A.
800 North King Street, Suite 200
P.O. Box 1276
Wilmington, DE 19899

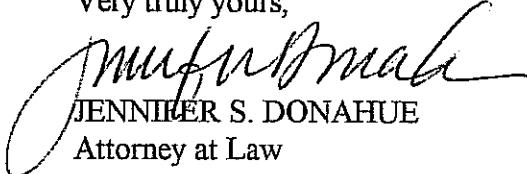
**RE: Fluck v. Bella Vista, et. al.
Case No. 06-188**

Dear Mr. Casarino:

Enclosed please find two (2) copies of Plaintiff's First Set of Interrogatories and Request for Production Directed to Defendant Bella Vista Development, LLC.

Please contact me with any questions or concerns.

Very truly yours,


JENNIFER S. DONAHUE
Attorney at Law

JSD/mlk
Enclosures
cc: Sandra Fluck (w/o enc.)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SANDRA E. FLUCK, an individual,	:	C.A. No.: 06-188-GMS
	:	
Plaintiff,	:	
	:	
v.	:	<u>JURY TRIAL DEMANDED</u>
	:	
BELLA VISTA DEVELOPMENT, LLC, a	:	
Virginia corporation, BELLA VISTA	:	
TOWNHOME CONDOMINIUM	:	
ASSOCIATION, INC., a Delaware	:	
corporation, RE/MAX REALTY GROUP, a	:	
Delaware franchise, WILLIAM J.	:	
MITCHELL, individually, and WAYNE	:	
MITCHELL, individually,	:	
Defendants.	:	

**PLAINTIFF'S FIRST SET OF INTERROGATORIES DIRECTED TO DEFENDANT
BELLA VISTA DEVELOPMENT, LLC**

These interrogatories are of a continuing nature; therefore, the answers should be kept current.

Throughout these interrogatories, whenever you are requested to "identify" a communication of any type, and such communication was oral, the following information should be furnished:

- (a) By whom it was made and to whom it was directed;
- (b) Its specific subject;
- (c) The date upon which it was made;
- (d) Who else was present when it was made;
- (e) Whether it was recorded, described or summarized in any writing of any type; and if so, identify each such writing in the manner indicated below.

If you are requested to "identify" a communication, memorandum or record of any type, and such communication was written, the following information should be furnished (in place of identification, production is acceptable):

- (a) Its nature, e.g., letter, memorandum, telegram, note, drawing, etc.;
- (b) Its specific subject;
- (c) By whom and to whom it was directed;
- (d) The date upon which it was made;
- (e) Who has possession of the original and copies.

"Written" communications also encompasses e-mail and computer communications.

Whenever a person is to be "identified," you should furnish, except as otherwise noted:

- (a) Name and present or last known address;
- (b) If a corporation, the state of incorporation.

Definitions

A. The word "person" shall include, but shall not be limited to any natural person, business or corporation, whether for profit or not, firm, partnership, association, joint-venture, sole proprietorship, any other form of business enterprise, or legal entity, and means both the singular and the plural.

B. The words Defendant(s), "you", and "your" shall include, but are not limited to, the Defendant(s) herein and the agents, attorneys, servants, employees, representatives of Defendant(s) and persons acting or purporting to act on Defendant's(s') behalf, including but not limited to Defendant's(s') insurance carriers.

C. The words, "document" and "writing" shall be construed in their customary broad sense, and are used interchangeably, and include, but are not limited to, the original or any non-identical copy (whether different from the original because of notes made of such or otherwise) of any agreements, books, bank records or statements, books of accounts (including ledgers, sub-ledgers, journals or sub-journals), records, reports, memoranda, brochures, notes, letters,

speeches, telegrams and cables, diaries, calendar or diary entries, schedules, graphs, charts, contracts, copy, releases, appraisals, valuations, estimates, opinions, studies, circulars, bulletins, instructions, minutes, photographs, purchase orders, bill checks, tabulations, questionnaires, tapes, surveys, messages, correspondence, records of meetings, conferences and telephone or other conversation or communications (intra-or inter company), electronic mail communications, indices, instructions, instruction manuals or sheets, invoices, joint requisitions, licenses, newspaper or other clippings, notebooks, opinions, pamphlets, paper periodicals or other publications, prints, receipts, recordings, reports, statements, studies, summaries (including any memoranda, minutes, notes, records, or summary of any (a) telephone or intercom conversations or message, (b) personal conversation or interview, or (c) meetings or conference, telephone logs, travel or expense records, vouchers, worksheets or working papers, writings, any other handwritten, printed, reproduces, recorded, typewritten or otherwise produced graphic material from which the information inquired of may be obtained or any other documentary material of any nature in the possession, custody or control of Defendants, as well as tables, drawings, sketches, financial statement and preliminary versions, drafts or revisions of any of the foregoing, as well as other tangible things on which information is recorded in writing or sound, or in an other manner, and including supporting, underlying or preparatory material.

D. "Or" shall mean "and/or." Wherever appropriate herein, the singular form of a word should be interpreted as well in the plural.

E. A document "relating," "related" or "referring" to any given subject means any document that constitutes, contains, embodies, reflects, identifies, states, refers, directly or indirectly to pertains or is in any way relevant to the particular subject matter identified, including the document itself.

F. "Statement" shall include any written statement, signed or otherwise, as well as any stenographic, mechanical, electrical or other recording or a transcription thereof of an oral

statement, whether or not adopted or approved by the person making it as well as summaries of oral or written statements prepared by anyone other than counsel.

1. Is the defendant, Bella Vista Development, LLC, incorporated under the laws of the State of Delaware, or of any other state?

ANSWER

2. If so, indicate:

- (a) The state of incorporation;
- (b) The address of its principal place of business or registered office;
- (c) The date on which the articles of incorporation were filed with the Secretary of State;
- (d) The date on which the articles were filed with the County Clerk.

ANSWER

3. Please state the full name of the person answering these interrogatories and his/her relationship with the defendant, Bella Vista Development, LLC

ANSWER

4. Prior to answering these interrogatories, have you made a due and diligent search of your books, records and papers, and due and diligent inquiry of your agents and employees, with a view to obtaining all information available in this action?

ANSWER

5. Please describe fully the location of the alleged occurrence (at the time of the alleged occurrence), including:

- (a) Distances, in feet, to fixed objects or boundaries by which the location may be identified;
- (b) The location of the incident to any and all pedestrian pathways;
- (c) The height and length of each step;
- (d) The height and length of the cement porch/landing;
- (e) Description of the composition of the steps, porch/landing and pathways;
- (d) The nature and extent of the work done upon the steps and cement porch/landing, both prior to and subsequent to the accident.

ANSWER:

6. State the full name of the person who was in control of the location where the incident occurred, at the time of the incident and his/her capacity with the defendant, Bella Vista Development, LLC.

ANSWER:

7. If the defendant, Bella Vista Development, LLC, was not in control of such premises, please state the name and address and identification of the person or the entity in control of that area of the premises which the defendant occupied on the date of the incident.

ANSWER:

8. Did you or any agent or employee of the defendant, Bella Vista Development, LLC, witness any part of the alleged occurrence?

ANSWER:

9. If the answer to the preceding interrogatory is in the affirmative, please:

(a) give the name and address of each person who witnessed any part of the alleged occurrence;

(b) describe in complete detail everything that was seen or noticed by each such person;

(c) state where, in relation to the location of the occurrence, each such person was at the time he or she witnessed the alleged occurrence;

(d) state the job title of such employer or agent with the defendant.

ANSWER:

10. Immediately after the alleged occurrence, from any observations made by you or by any agent or employee of the defendant , Bella Vista Development, LLC, did the plaintiff, Sandra Fluck, appear to have been physically injured or mentally or emotionally disturbed as a result of the alleged occurrence?

ANSWER:

11. If the answer to the preceding interrogatory is in the affirmative, please describe in complete detail the appearance of the plaintiff immediately after the alleged occurrence, particularly with regard to the following:

(a) the physical condition of the plaintiff, including any signs of bleeding, bruises, cuts or other physical injury;

(b) the emotional or mental condition of the plaintiff, including whether or not the plaintiff was crying, talking, complaining of pain or otherwise appeared mentally disturbed;

(c) the appearance of the clothing of the plaintiff, including whether or not any part of it was disarranged, torn, dirty or otherwise, indicating which and to what extent.

ANSWER:

12. Did you or any agent or employee of the defendant, Bella Vista Development, LLC, render any help or assistance of any kind to the plaintiff immediately after the alleged occurrence?

ANSWER:

13. If the answer to the preceding interrogatory is in the affirmative, please give:

(a) a complete description of the help or assistance rendered,

(b) the identification, including physical appearance and name and address, of

each person who rendered any such help or assistance to the plaintiff.

ANSWER:

14. Did you or any agent or employee of the defendant, Bella Vista Development, LLC, refer the plaintiff to a doctor or other medical assistance immediately after the alleged occurrence?

ANSWER:

15. If the answer to the preceding interrogatory is in the affirmative, please state:

(a) the name and address of each doctor or medical person to whom the plaintiff was referred;

(b) the identification, including description of appearance and name and address of each person who referred the plaintiff to any such medical assistance.

ANSWER:

16. Please describe, in complete detail, the safety protocol that you or any agent or employee follows concerning dangerous conditions on or near the premises.

ANSWER:

17. Please describe everything you or any agent or employee of the defendant, Bella Vista Development, LLC, did in an attempt to avoid the alleged occurrence.

ANSWER:

18. Please state each act or action taken by you or by any agent or employer of the defendant, Bella Vista Development, LLC, which caused or contributed to cause the alleged occurrence.

ANSWER:

19. Please state in complete detail everything you or any agent or employee of the defendant, Bella Vista Development, LLC, saw the plaintiff do:

(a) up to and including the alleged occurrence;

(b) after the alleged occurrence until the plaintiff left the scene of such occurrence.

ANSWER:

20. Please describe in complete detail all conversations, sounds, words, utterances, speech or noises made by the plaintiff after the alleged occurrence, which were heard by you or by any agent or employee of the defendant, Bella Vista Development, LLC

ANSWER:

21. Please state as to each witness known to you or any agent or employee of the defendant, Bella Vista Development, LLC, to have seen, heard, or known about the alleged occurrence:

- (a) name, address and physical description;
- (b) the location of each such witness at the time he or she saw, heard, or learned about the alleged occurrence;
- (c) the substance of all information about the alleged occurrence known to each such witness;
- (d) whether each such witness gave any statement or account, either oral or in writing, of his or her knowledge of the alleged occurrence, and if so, give the substance of each such statement.

ANSWER:

22. At or about the date of the accident, did the defendant, Bella Vista Development, LLC, have any established procedure for the inspection of the premises where the accident occurred?

ANSWER:

23. If your answer to the preceding Interrogatory is in the affirmative, please state the date and time of the day when the most recent inspection was made just prior to the date and time of the accident and the identification including the name, job title and address of such person who participated in the inspection.

ANSWER:

24. If an inspection was made under Interrogatory 23 is in the affirmative, please state in complete detail what such inspection revealed or disclosed.

ANSWER:

25. Please describe in detail all acts, actions, activities or movements of the plaintiff after the alleged occurrence which were seen by you or by any agent or employee of the defendant, Bella Vista Development, LLC

ANSWER:

26. At any time after the alleged occurrence, did you or any agent or employee of the defendant, Bella Vista Development, LLC, have any conversation or communication with the plaintiff in regard to the alleged occurrence?

ANSWER:

27. If the answer to the preceding interrogatory is in the affirmative, please set forth in complete detail:

- (a) The words and substances of each such conversation or communication,
- (b) The date and time of each such conversation and communication,
- (c) The place or places where each such conversation or communication took place,
- (d) The identification including name, address and job title of each such agent or employee,
- (e) The name and address of each person who was present at the time of each such conversation or communication.

ANSWER:

28. Did the plaintiff ever make any statement or give any account, either oral or written, of the alleged occurrence to you or to any agent or employee of the defendant, Bella Vista Development, LLC?

ANSWER:

29. If the answer to the preceding interrogatory is in the affirmative, please state:

(a) the date of each such statement or account,

(b) the name and address of the person to whom each such statement or account was given,

(c) the name and address of each person present at the time each such statement or account was given,

(d) the contents or substance of each such statement or account in complete detail.

ANSWER:

30. Did any person other than the defendant, Bella Vista Development, LLC, or any agent or employee of the defendant, Bella Vista Development, LLC, in any way cause or contribute to cause the alleged occurrence?

ANSWER:

31. If the answer to the preceding interrogatory is in the affirmative, please state:

(a) the full identity, including name, address and physical description, of each such person;

(b) how each such person in any way caused or contributed to cause the alleged occurrence.

ANSWER:

32. Please state all facts which allegedly show any negligence or lack of care of any kind on the part of the plaintiff.

ANSWER:

33. Has the defendant, Bella Vista Development, LLC, ever been a party to any litigation, civil or criminal, other than the present one?

ANSWER:

34. If the answer to the preceding interrogatory was affirmative, for each suit provide the following information:

(a) The names and present or last known addresses of all parties, other than Bella Vista Development, LLC;

(b) Whether the defendant was plaintiff or defendant (if other than plaintiff or defendant please specify);

(c) The transactions or occurrences with which it was concerned, and the claims for relief set forth therein;

(d) When, where and the Court in which the litigation was commenced;

(e) The ultimate disposition of the litigation, or its present status.

ANSWER:

35. Please state what procedures were in place on or about June 27, 2004 and who was responsible for implementing such procedures to ensure that the premises located at the "open house" in Bella Vista development, where the incident occurred, was free of any hazard that would cause an invitee to fall.

ANSWER:

36. State the full name and address of all persons contracted, subcontracted, or employed to **maintain** the sidewalk, steps and entrances to the model condominiums/townhomes, and describe their relationship to the defendant, Bella Vista Development, LLC.

ANSWER:

37. State the full name and address of all persons contracted, subcontracted or employed to **construct, build and/or erect** the premises where the incident occurred, and describe their relationship to the defendant, Bella Vista Development, LLC.

ANSWER:

38. State the full name and address of all persons contracted, subcontracted or employed to construct, build and/or erect the sidewalk, steps, porch/landing and pathways on the premises where the incident occurred, and describe their relationship to the defendant, Bella Vista Development, LLC

ANSWER:

39. Please list any other individuals who helped to build, construct, and/or maintain the premises on the day of the incident and describe their relationship to the defendant, Bella Vista Development, LLC

ANSWER:

40. State each verbal or written policy that describes procedures for management or maintenance of the premises on which the trip and fall occurred at the time of the incident.

ANSWER:

41. Identify all employees on duty during the daytime hours of June 27, 2004, including the names of all managers, associates, agents and/or department heads on duty during that time period. Please also state what efforts were made in order to answer this interrogatory.

ANSWER

42. Identify the date upon which the initial "open house" commenced at the premises in question.

ANSWER:

43. Identify the names and addresses of the individuals who were responsible for inspecting the premises prior to commencing the "open house," and describe their relationship to the defendant, Bella Vista Development, LLC.

ANSWER:

44. Please state whether the Defendant hired or retained a safety consultant or specialist to inspect the premises prior to allowing invitees to enter the property.

ANSWER:

45. State the names, addresses and qualifications of all expert witnesses who:

- (a) Have been consulted by you relative to this case;
- (b) Will testify in this case on your behalf.

ANSWER

46. As to all expert witnesses identified in answer to interrogatory 45(b) above, please state:

- (a) The subject matter on which the expert is expected to testify;
- (b) The substance of the facts and opinions as to which the expert is expected to testify and a summary of the grounds for each opinion.

ANSWER

47. State the name and present or last known address of each person whom you expect to call as an expert witness at trial (including all medical personnel) and, as to each person named, state:

- (a) The field in which the witness is an expert and a description of the witness' expertise therein;
- (b) The subject matter on which the witness is expected to testify;
- (c) The substance of the facts to which the witness is expected to testify;
- (d) The substance of the opinions to which the witness is expected to testify;
- (e) A summary of the grounds for each of the witness' opinion;
- (f) The dates of all writings made by the witness with respect to the present case;
- (g) The name and present or last known address and present or last known employer of each person who presently has custody, possession or control of the original and all copies of such writings;
- (h) The dates on which the witness was interviewed or consulted, the names and present or last known addresses and present or last known employers of those persons who interviewed or consulted the witness, and the names and present or last known addresses and

present or last known employers of all persons who were present during each such interview or consultations;

(i) A brief chronological resume of the witness' educational and professional background, including the associations and societies of which he or she is a member and, as to medical personnel, the names and present or last known addresses of all hospitals on whose staff such experts serve or where they have courtesy privileges or act as consultants; and

(j) The title, publisher, date and form of all documentary material published by the witness within his or her field.

ANSWER

48. State the name and present or last known address of each person who has been consulted as an expert (including all medical personnel) in anticipation of litigation or preparation for trial, whether or not that person is expected to be called as a witness by you at trial and, as to each person, state:

(a) The field in which the person is an expert and a description of the person's expertise therein;

(b) The subject matter on which the person was consulted;

(c) The dates of all writings made by the person with respect to the present case;

(d) The name and present or last known address and present or last known employer of each person who presently has custody, possession or control of the original and all copies of such writing;

(e) The dates on which the person was interviewed or consulted, the names and present or last known addresses and present or last known employers of all persons who were present during each such interview or consultation;

(f) A brief chronological resume of the witness' educational and professional background, including the associations and societies of which he or she is a member and, as to medical personnel, the names and present or last known addresses of all hospitals on whose staff such experts serve or where they have courtesy privileges or act as consultants; and

(g) The title, publisher, date and form of all documentary material published by the witness within his or her field.

ANSWER:

DOROSHOW, PASQUALE,
KRAWITZ, & BHAYA

By:


/s/ ANDREA G. GREEN, ESQUIRE

Attorney I.D. 2487

/s/ JENNIFER S. DONAHUE, ESQUIRE

Attorney I.D. 4700

213 E. Dupont Highway

Millsboro, Delaware 19966

(302) 934-9400

Attorney for Plaintiff

DATED: June 23, 2006

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SANDRA E. FLUCK, an individual,	:	C.A. No.: 06-188-GMS
	:	
Plaintiff,	:	
	:	
v.	:	<u>JURY TRIAL DEMANDED</u>
	:	
	:	
BELLA VISTA DEVELOPMENT, LLC, a	:	
Virginia corporation, BELLA VISTA	:	
TOWNHOME CONDOMINIUM	:	
ASSOCIATION, INC., a Delaware	:	
corporation, RE/MAX REALTY GROUP, a	:	
Delaware franchise, WILLIAM J.	:	
MITCHELL, individually, and WAYNE	:	
MITCHELL, individually,	:	
Defendants.		

**PLAINTIFF'S REQUEST FOR PRODUCTION DIRECTED
TO DEFENDANT, BELLA VISTA DEVELOPMENT, LLC**

The plaintiff requests the defendant, Bella Vista Development, LLC, produce for examination and copying at the office of the attorney for the plaintiff on or before thirty (30) days of receipt of this request:

1. Copies of any and all information, including but not limited to, manuals, memoranda, letters, instructions, etc. regarding the defendant's policies and procedures for construction, set-up and maintenance of the porch, stairs and pathway of the model condominium/townhome unit where plaintiff was injured.

2. Copies of all photographs, sketches, or other diagrams taken by or prepared by you or on your behalf, in your possession or available to you concerning any aspect of the litigation.

3. Copies of all contracts, memoranda, plans, bills and proposals for construction of the porch, stairs and pathway of the model condominium/townhome unit where plaintiff was injured.

4. Copies of all written or recorded statements or summaries or resumes of interviews taken by any person with respect to any issue in this litigation, including, but not limited to, witnesses, defendant, experts and/or investigators.

5. Copies of all reports of investigation, findings of fact or results of inspection, observation of fact or circumstances, relating to any aspect of this litigation.

6. Copies of any and all documents, writings, and/or exhibits upon which you intend to rely at trial.

7. Any other document or thing in your possession or available to you, in addition to the items specified in previous sections of this Request for Production which is or may be relevant to any issue in the litigation including, but not limited to, issues of liability and/or damages.

DOROSHOW, PASQUALE,
KRAWITZ, & BHAYA

By:


/s/ ANDREA G. GREEN, ESQUIRE

Attorney I.D. 2487

/s/ JENNIFER S.DONAHUE, ESQUIRE

Attorney I.D. 4700

213 E. Dupont Highway

Millsboro, Delaware 19966

(302) 934-9400

Attorney for Plaintiff

DATED: June 23, 2006

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SANDRA E. FLUCK, an individual,

C.A. No.: 06-188-GMS

Plaintiff,

JURY TRIAL DEMANDED

V.

BELLA VISTA DEVELOPMENT, LLC, a Virginia corporation, BELLA VISTA TOWNHOME CONDOMINIUM ASSOCIATION, INC., a Delaware corporation, RE/MAX REALTY GROUP, a Delaware franchise, WILLIAM J. MITCHELL, individually, and WAYNE MITCHELL, individually,

Defendants.

CERTIFICATE OF SERVICE

I, JENNIFER S. DONAHUE, ESQUIRE, hereby certify that I have this 23rd day of June, 2006, mailed, two (2) true and correct copies of the following document(s) addressed to the person(s) listed below:

DOCUMENT:

Plaintiff's Interrogatories Directed to Defendant, Bella Vista Development, LLC
Plaintiff's Request for Production Directed to Defendant, Bella Vista Development, LLC

PERSON:

Stephen Casarino, Esquire
Casarino, Christman & Shalk, P.A.
800 North King Street, Suite 200
P.O. Box 1276
Wilmington, DE 19899

DOROSHOW, PASQUALE,
KRAWITZ, & BHAYA

By:

/s/ ANDREA G. GREEN, ESQUIRE

Attorney I.D. 2487

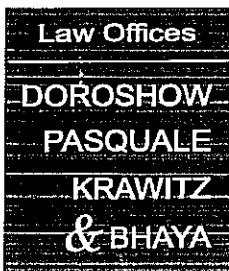
/s/ JENNIFER S.DONAHUE,ESQUIRE

Attorney I.D. 4700

213 E. Dupont Highway
Millsboro, Delaware 19966
(302) 934-9400
Attorney for Plaintiff

DATED: June 23, 2006

EXHIBIT B



August 29, 2006

ERIC M. DOROSHOW, DE, PA, DC
ROBERT PASQUALE, DE, PA
ARTHUR M. KRAWITZ, DE, PA
SHAKUNTALA L. BHAYA, DE, PA
MARY C. BOUDART, DE
DONALD E. GREGORY, DE
DEBRA C. ALDRICH, DE, PA
DONALD E. MARSTON, DE
ANDREA G. GREEN, DE, MD
JESSICA LEWIS WELCH, DE

ANGELA PINTO ROSS, DE
KAREN Y. VICKS, DE, NJ, PA
MATTHEW R. FOGG, DE, NJ
CYNTHIA H. PRUITT, DE
NINA PAPPOULIS, DE
TARA A. BLAKELY, DE
JENNIFER S. DONAHUE, DE, NJ
DEBORAH J. GALONSKY, DE, NJ
JENNIFER M. MENSINGER, DE
TARA E. BUSTARD, NJ, PA
CHRISTINA L. YEAGER, NJ
NICOLE M. EVANS, DE

1202 Kirkwood Highway
Wilmington, Delaware 19805
(302) 998-0100
Facsimile: (302) 998-9883

1701 Pulaski Highway
Bear, Delaware 19701
(302) 832-3200
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911 S. DuPont Highway
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Dover, Delaware 19903
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Facsimile: (302) 734-8674

500 W. Loockerman Street
Suite #120
Dover, Delaware 19904
(302) 674-7100
Facsimile: (302) 674-5514

213 E. DuPont Highway
Millsboro, Delaware 19966
(302) 934-9400
Facsimile: (302) 934-8400

903 Lakeview Avenue
Milford, Delaware 19963
(302) 424-7744
Facsimile: (302) 424-1176

World Wide Web
www.dplaw.com

PLEASE RESPOND TO:

213 E. Dupont Highway
Millsboro, DE 19966

Writer's Direct E-mail:
JenniferDonahue@dplaw.com

Writer's Direct Dial:
(302) 934-9400

Stephen Casarino, Esquire
Casarino, Christman & Shalk, P.A.
800 North King Street, Suite 200
P.O. Box 1276
Wilmington, DE 19899

RE: Fluck v. Bella Vista, et. al.
Case No.06-188

Dear Steve:

Kindly advise me as to the status of your client's answers to Plaintiff's Request for Discovery, which was forwarded to your office on June 23, 2006.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jennifer S. Donahue".

JENNIFER S. DONAHUE
Attorney at Law

JSD/mlk
cc: Sandra Fluck

EXHIBIT C

CASARINO, CHRISTMAN & SHALK, P.A.

ATTORNEYS AT LAW

800 NORTH KING STREET

SUITE 200

P.O. BOX 1276

WILMINGTON, DELAWARE 19899

STEPHEN P. CASARINO
COLIN M. SHALK
BETH H. CHRISTMAN
DONALD M. RANSOM
KENNETH M. DOSS
THOMAS P. LEFF
MATTHEW E. O'BYRNE
CHANETA BROOKS MONTABAN

REPLY TO OUR MAILING ADDRESS:
P.O. BOX 1276
WILMINGTON, DE 19899

(302) 594-4500

FAX: (302) 594-4509

August 31, 2006

Jennifer S. Donahue, Esq.
Doroshow, Pasquale, Krawitz & Bhaya
213 East DuPont Highway
Millsboro, DE 19966

RE: Fluck v. Bella Vista

Dear Jennifer:

Thank you for your letter of August 29, 2006. I apologize for not having the interrogatories answered timely. They are currently under review by Mr. Mitchell and we should have our answers finalized shortly.

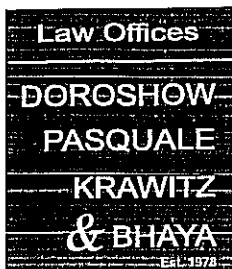
Very truly yours,



STEPHEN P. CASARINO

SPC/ams

EXHIBIT D



ERIC M. DOROSHOW, DE, PA, CC
ROBERT PASQUALE, DE, PA
ARTHUR M. KRAWITZ, DE, PA
SHANTILLA L. BHAYA, DE, PA
MARY C. BOUDART, DE
DONALD E. GREGORY, DE
DEBRA C. ALDRICH, DE, PA
DONALD F. MARSTON, DE
ANDREA G. GREEN, DE, MD
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ANGELA PINTO ROSS, DE
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TARA A. BLAKELY, DE
JENNIFER S. DONAHUE, DE, NJ
DEBORAH J. GALONSKY, DE, NJ
JENNIFER M. MENSINGER, DE
TARA E. BUSTARD, NJ, PA
CHRISTINA L. YEAGER, NJ
NICOLE M. EVANS, DE

1202 Kirkwood Highway
Wilmington, Delaware 19805
(302) 998-0100
Facsimile: (302) 998-9883

1701 Polaski Highway
Beebe, Delaware 19701
(302) 832-3200
Facsimile: (302) 834-8186

911 S. DuPont Highway
P.O. Box 1428
Dover, Delaware 19903
(302) 734-9700
Facsimile: (302) 734-8674

500 W. Loockenman Street
Suite #120
Dover, Delaware 19904
(302) 674-7105
Facsimile: (302) 674-5514

213 E. Dupont Highway
Millsboro, Delaware 19966
(302) 934-9400
Facsimile: (302) 934-8450

903 Lakeview Avenue
Milford, Delaware 19965
(302) 424-7744
Facsimile: (302) 424-1176

World Wide Web
www.dplaw.com

October 12, 2006

PLEASE RESPOND TO:

213 E. Dupont Highway
Millsboro, DE 19966

Writer's Direct E-mail:
JenniferDonahue@dplaw.com

Writer's Direct Dial:
(302) 934-9400

Stephen Casarino, Esquire
Casarino, Christman & Shalk, P.A.
800 North King Street, Suite 200
P.O. Box 1276
Wilmington, DE 19899

RE: Fluck v. Bella Vista, et. al.
Docket No. 1:06-CV-188 GMS

Dear Steve:

This letter follows your correspondence of August 31, 2006 with regard to your clients' answers to discovery.

Please provide your clients' answers to discovery as soon as possible so I may avoid having to file a Motion to Compel.

Thank you for your attention to this matter.

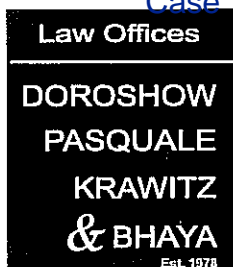
Very truly yours,

A handwritten signature in black ink, appearing to read "Jennifer S. Donahue".

JENNIFER S. DONAHUE
Attorney at Law

JSD/mlk
Enclosures
cc: Sandra Fluck (w/o enc.)

EXHIBIT E



December 14, 2006

ERIC M. DOROSHOW, DE, PA, DC
ROBERT PASQUALE, DE, PA
ARTHUR M. KRAWITZ, DE, PA
SHAKUNTILA L. BHAYA, DE, PA
MARY C. BOUDART, DE
DONALD E. GREGORY, DE
DEBRA C. ALDRICH, DE, PA
DONALD E. MARSTON, DE
ANDREA G. GREEN, DE, MD
JESSICA LEWIS WELCH, DE

ANGELA PINTO ROSS, DE
KAREN Y. VICKS, DE, NJ, PA
MATTHEW R. FOGG, DE, NJ
CYNTHIA H. PRUITT, DE
NINA PAPPOULIS, DE
TARA A. BLAKELY, DE
JENNIFER S. DONAHUE, DE, NJ
DEBORAH J. GALONSKY, DE, NJ
JENNIFER M. MENSINGER, DE
TARA E. BUSTARD, NJ, PA
CHRISTINA L. YEAGER, NJ
NICOLE M. EVANS, DE

PLEASE RESPOND TO:

213 E. Dupont Highway
Millsboro, DE 19966
(302) 934-9400

Writer's Direct E-Mail:
JenniferDonahue@dplaw.com

Stephen Casarino, Esquire
Casarino, Christman & Shalk, P.A.
800 North King Street, Suite 200
P.O. Box 1276
Wilmington, DE 19899

RE: Fluck v. Bella Vista, et. al.
Docket No. 1:06-CV-188 GMS

Dear Steve:

This follows my letter of August 29, 2006 regarding the above-referenced matter. Please advise as to the status of your clients' answers to Plaintiff's Request for Discovery, which was forwarded to your office on June 23, 2006.

Thank you for your prompt attention to this matter.

Very truly yours,

JENNIFER S. DONAHUE
Attorney at Law

JSD/mlk
cc: Sandra Fluck

1202 Kirkwood Highway
Wilmington, Delaware 19805
(302) 998-0100
Facsimile: (302) 998-9883

1701 Pulaski Highway
Bear, Delaware 19701
(302) 832-3200
Facsimile: (302) 834-8186

911 S. DuPont Highway
P.O. Box 1428
Dover, Delaware 19903
(302) 734-8700
Facsimile: (302) 734-8674

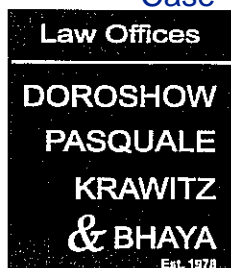
500 W. Lockerman Street
Suite #120
Dover, Delaware 19904
(302) 674-7100
Facsimile: (302) 674-5514

213 E. DuPont Highway
Millsboro, Delaware 19966
(302) 934-9400
Facsimile: (302) 934-8400

903 Lakeview Avenue
Milford, Delaware 19963
(302) 424-7744
Facsimile: (302) 424-1176

World Wide Web
www.dplaw.com

EXHIBIT F



December 21, 2006

ERIC M. DOROSHOW, DE, PA, DC
ROBERT PASQUALE, DE, PA
ARTHUR M. KRAWITZ, DE, PA
SHAKUNTALA L. BHAYA, DE, PA
MARY C. BOUDART, DE
DONALD E. GREGORY, DE
DEBRA C. ALDRICH, DE, PA
DONALD E. MARSTON, DE
ANDREA G. GREEN, DE, MD
JESSICA LEWIS WELCH, DE

ANGELA PINTO ROSS, DE
KAREN Y. VICKS, DE, NJ, PA
MATTHEW R. FOGG, DE, NJ
CYNTHIA H. PRUITT, DE
NINA PAPPOULIS, DE
TARA A. BLAKELY, DE
JENNIFER S. DONAHUE, DE, NJ
DEBORAH J. GALONSKY, DE, NJ
JENNIFER M. MENSINGER, DE
TARA E. BUSTARD, NJ, PA
CHRISTINA L. YEAGER, NJ
NICOLE M. EVANS, DE

PLEASE RESPOND TO:

213 E. Dupont Highway
Millsboro, DE 19966
(302) 934-9400

Writer's Direct E-mail:
JenniferDonahue@dplaw.com

Stephen Casarino, Esquire
Casarino, Christman & Shalk, P.A.
800 North King Street, Suite 200
P.O. Box 1276
Wilmington, DE 19899

RE: Fluck v. Bella Vista, et. al.
Docket No. 1:06-CV-188 GMS

Dear Steve:

Thank you for the unverified answers to interrogatories.

Pursuant to your answer to interrogatory 27, please provide me with a copy of the transcript of the recorded statement of my client dated 11/5/04 at your earliest convenience.

Kindly provide your client's responses to my Request for Production as soon as possible.

Thank you and have a nice holiday.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jennifer S. Donahue".

JENNIFER S. DONAHUE
Attorney at Law

JSD/mlk

1202 Kirkwood Highway
Wilmington, Delaware 19805
(302) 998-0100
Facsimile: (302) 998-9883

1701 Pulaski Highway
Bear, Delaware 19701
(302) 832-3200
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903 Lakeview Avenue
Milford, Delaware 19963
(302) 424-7744
Facsimile: (302) 424-1176

World Wide Web
www.dplaw.com

EXHIBIT G

CASARINO, CHRISTMAN & SHALK, P.A.

ATTORNEYS AT LAW

800 NORTH KING STREET

SUITE 200

P.O. BOX 1276

WILMINGTON, DELAWARE 19899

STEPHEN P. CASARINO
COLIN M. SHALK
BETH H. CHRISTMAN
DONALD M. RANSOM
KENNETH M. DOSS
THOMAS P. LEFF
MATTHEW E. O'BYRNE
CHANETA BROOKS MONTOBAN
SARAH C. BRANNAN

REPLY TO OUR MAILING ADDRESS:
P.O. BOX 1276
WILMINGTON, DE 19899

(302) 594-4500

FAX: (302) 594-4509

December 29, 2006


Jennifer S. Donahue, Esq.
Doroshow, Pasquale, Krawitz & Bhaya
213 East DuPont Highway
Millsboro, DE 19966

RE: Fluck v. Bella Vista

Dear Jennifer:

I shall be filing a formal response to the request for production soon. However, to expedite matters I enclose a copy of the transcript of Ms. Fluck's statement.

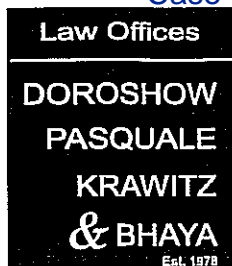
Very truly yours,



STEPHEN P. CASARINO

SPC/ams
Enclosure

EXHIBIT H



January 18, 2007

ERIC M. DOROSHOW, DE, PA, DC
ROBERT PASQUALE, DE, PA
ARTHUR M. KRAWITZ, DE, PA
SHAKUNTALA L. BHAYA, DE, PA
MARY C. BOUDART, DE
DONALD E. GREGORY, DE
DEBRA C. ALDRICH, DE, PA
DONALD E. MARSTON, DE
ANDREA G. GREEN, DE, MD
JESSICA LEWIS WELCH, DE

ANGELA PINTO ROSS, DE
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NINA PAPPOULIS, DE
TARA A. BLAKELY, DE
JENNIFER S. DONAHUE, DE, NJ
DEBORAH J. GALONSKY, DE, NJ
JENNIFER M. MENSINGER, DE
TARA E. BUSTARD, DE, NJ, PA
CHRISTINA L. YEAGER, NJ
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905 Lakeview Avenue
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Facsimile: (302) 424-1176

World Wide Web
www.dplaw.com

PLEASE RESPOND TO:

213 E. Dupont Highway
Millsboro, DE 19966
(302) 934-9400

Writer's Direct E-Mail:
JenniferDonahue@dplaw.com

Stephen Casarino, Esquire
Casarino, Christman & Shalk, P.A.
800 North King Street, Suite 200
P.O. Box 1276
Wilmington, DE 19899

RE: Fluck v. Bella Vista, et. al.
Case No.06-188

Dear Steve:

You will recall that I forwarded discovery requests to your attention on June 23, 2006. To date, I have only received unverified Answers to Interrogatories.

Please provide verified Answers to Interrogatories, as well as responses to Request for Production within ten (10) days upon your receipt of this letter so that I may avoid filing a Motion to Compel.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Jennifer S. Donahue".

JENNIFER S. DONAHUE
Attorney at Law

JSD/mlk
cc: Sandra Fluck

EXHIBIT I

e-filed 1/31/07

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SANDRA E. FLUCK, an individual,

Plaintiff,

v.

BELLA VISTA DEVELOPMENT, LLC, a
Virginia corporation, BELLA VISTA
TOWNHOME CONDOMINIUM
ASSOCIATION, INC., a Delaware
corporation, RE/MAX REALTY GROUP, a
Delaware franchise, WILLIAM J.
MITCHELL, individually, and WAYNE
MITCHELL, individually,

Defendants.

C.A. No.: 06-188-GMS

JURY TRIAL DEMANDED

NOTICE OF DEPOSITION

TO: Stephen Casarino, Esq.
Casarino, Christman & Shalk, P.A.
800 North King Street, Suite 200
P.O. Box 1276
Wilmington, DE 19899

Carol Antoff, Esq.
1001 Jefferson Plaza, Suite 202
Wilmington, DE 19801

Roger A. Akin, Esq.
1220 N. Market Street, Suite 300
P.O. Box 25047
Wilmington, DE 19899

Robert K. Pearce, Esq.
Ferry, Joseph & Pearce, P.A.
P.O. Box 1351
Wilmington, DE 19899

Charles P. Coates, III, Esq.
Christiana Executive Campus
131 Continental Drive, Suite 407
Newark, DE 19713-4301

PLEASE TAKE NOTICE that the undersigned attorney will take the deposition of
Defendant, Wayne Mitchell, on **Friday, March 16, 2007 at 2:00 p.m.** at 213 E. DuPont
Highway, Millsboro, Delaware 19966.

DUCES TECUM: Deponent shall bring with him any documents in response to Plaintiff's Request for Production that have not been previously supplied, as well as the following: copies of any and all blueprints, building permits, inspection reports, certificate(s) of occupancy and release of liens pertaining to the property in question, and, copies of listing agreements and "open house" brochures pertaining to the property in question.

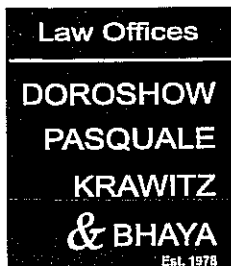
DOROSHOW, PASQUALE
KRAWITZ & BHAYA

/s/ JENNIFER S. DONAHUE, ESQUIRE
Attorney I.D. 4700
213 E. Dupont Highway
Millsboro, Delaware 19966
(302) 934-9400
Attorney for Plaintiff

DATED: January 31, 2007

cc: Anthony Reporting
Sandra Fluck

EXHIBIT J



March 13, 2007

ERIC M. DOROSHOW, DE, PA, DC
ROBERT PASQUALE, DE, PA
ARTHUR M. KRAWITZ, DE, PA
SHAKUNTALA L. BHAYA, DE, PA
MARY C. BOUDART, DE
DONALD E. GREGORY, DE
DEBRA C. ALDRICH, DE, PA
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Facsimile: (302) 424-1176

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PLEASE RESPOND TO:

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Millsboro, DE 19966
(302) 934-9400

Writer's Direct E-Mail:
JenniferDonahue@dplaw.com

Stephen Casarino, Esquire
Casarino, Christman & Shalk, P.A.
800 North King Street, Suite 200
P.O. Box 1276
Wilmington, DE 19899

RE: Fluck v. Bella Vista, et. al.
Case No.06-188

Dear Steve:

Pursuant to my letter of January 18, 2007, kindly provide your client's verified answers to Interrogatories, as well as responses to our Request for Production as soon as possible. As you are aware, the discovery deadline in this matter is May 31, 2007 and I have yet to receive your client's responses.

Thank you for your prompt attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jennifer S. Donahue". Below the signature is the printed name "JENNIFER S. DONAHUE" and the title "Attorney at Law".

JENNIFER S. DONAHUE
Attorney at Law

JSD/mlk
cc: Sandra Fluck